

REMARKS

Initially Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Applicant submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required.

Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Upon entry of the above amendments, claims 1, 5 and 8 will have been amended and claims 1-10 are currently pending. Applicant respectfully request reconsideration of the outstanding rejections, and allowance of the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(b) as being clearly anticipated by GLASER et al. (U.S. Publication No. 2002/0117890), and claims 5 and 8 as being clearly anticipated by YAMAGUCHI (U.S. Publication No. 2002/0053777).

Although Applicant does not necessarily agree with the Examiner's rejection of the claims on these grounds, nevertheless, Applicant has amended independent claims 1, 5 and 8 to clearly obviate the above-noted grounds of

rejection in order to expedite prosecution of the present application. In this regard, Applicant notes that both GALSER and YAMAGUCHI fail to teach or suggest the combination of elements as recited in amended claims 1, 5 and 8. In particular, claims 1, 5 and 8, as amended, all set forth a torsion beam axle suspension including, inter alia, a mount provided or formed in the outermost end of left and right trailing arms.

Applicant submits that GALSER and YAMAGUCHI, alone or in any proper combination, lack any disclosure of the mount being *provided or formed in the outermost end of left and right trailing arms*.

The Examiner cites to GLASER, Figure 1, as purportedly disclosing a trailing arm provided with a mount for mounting a shock absorber (the Official Action, page 2, paragraph 2). However, the portion of GLASER that the Examiner has characterized as being a mount for mounting the shock absorber (6) is located generally in the center of the trailing arms (2, 3). In regards to YAMAGUCHI, the portion of the trailing arms that the Examiner has identified as the mount for mounting the shock absorber is located generally on a inside of the trailing arm (1). Thus, GLASER and YAMAGUCHI lack any teaching of the combination of elements as recited in amended claims 1, 5 and 8, including, a torsion beam axle suspension having a mount *provided or formed in the outermost end of left and right trailing arms*. Accordingly, the rejection of claims 1, 4, 5 and 8, under 35 U.S.C. § 102(b) is improper for all the above reasons and withdrawal thereof is respectfully requested.

In the Official Action, the Examiner rejected claims 2 and 3 under 35

U.S.C. § 103(a) as being unpatentable over GLASER in view of SOLOMOND et al (U.S. Patent No. 6,079,700), and claims 6, 7, 9 and 10 as being unpatentable over YAMAGUCHI in view of MACISSAC (U.S. Patent No. 4,550,926).

Applicant respectfully traverses the rejection of claims 2, 3, 6, 7, 9 and 10 under 35 U.S.C. § 103(a).

Applicant further submits that dependent claims 2, 3, 6, 7, 9 and 10 are at least patentable due to their respective dependencies from claims 1, 5, and 8 for reasons noted above. In this regard, even assuming, arguendo, that the teachings of GLASER and SOLOMOND, and YAMAGUCHI and MACISSAC, have been properly combined; the proposed combination still would not have resulted in the features of the embodiments of the present disclosure. Further, the Examiner has not presented sufficient motivation for the proposed modifications, and the only reason to combine the teachings of the applied prior art results from a review of Applicant's disclosure and the application of impermissible hindsight. Accordingly, the rejection of claims 2, 3, 6, 7, 9 and 10, under 35 U.S.C. § 103(a) is improper for all the above reasons and withdrawal thereof is respectfully requested.

In view of the amendments and arguments herein, Applicant submits that independent claims 1, 5 and 8 are in condition for allowance. With regard to dependent claims 2-4, 6, 7, 9 and 10, Applicant asserts that they are allowable on their own merit, as well as because they depend from independent claims 1, 5 and 8 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

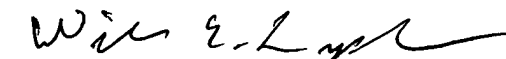
SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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